



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
NOVEMBER 27, 2007
DRAFT**

MEMBERS PRESENT

Dorothy Carrier, Chair
Joanne Rogers, Vice Chair
Kenneth Cichon
Robin Brooks
Roberta Floccher, Associate

MEMBERS ABSENT

John Papacosma

STAFF PRESENT

Tracey Thibault, Interim Town Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Ms. Carrier, Chair.

Ms. Carrier, Chair, read the agenda and explained the hearing process and procedures for Planning Board meetings. Ms. Carrier appointed Roberta Floccher as a full voting member for purposes of this evening's meeting.

Minutes of October 17, 2007

Mr. Cichon moved, seconded by Ms. Rogers to accept the minutes of October 17, 2007 as written. Unanimous Approval

Review of Site Visit

Ms. Carrier reported on the site visit held on Monday November 26, 2007 attended by Ms. Carrier, Mr. Cichon, Ms. Rogers, Mr. Brooks, Ms. Thibault, members of the Affordable Housing Committee and two interested parties.

OLD BUSINESS

07-02-03 Brunswick Housing Authority (Anne Bailey Benaquist – owner), Subdivision Review, Commercial Fishing, Map 12-200, Harpswell Neck Road, Harpswell.

Mr. Douglas Johnson, representative for the applicant, described the changes to proposal submitted at the February 2007 Planning Board meeting. Mr. Johnson drew the Planning Board's attention to the changes to the site plan, the road cross sections, well locations, septic system primary and secondary septic sites, the performance guarantee, comments from the Maine Historic Preservation Commission, hydrogeologic studies, the additional submission materials, comments from Woodard & Curran, storm water control, changes to the buffering, the rain garden, comments from the Harpswell Neck Fire Chief and comments from the Harpswell Roads Commissioner.

Ms. Carrier read the November 26, 2007, Woodard & Curran letter into the record.

Mr. Cichon requested that Woodard & Curran supply a clear conclusion with regard to their review.

Ms. Carrier, Chair, opened the floor to members of the public who wished to comment on this agenda item.

Mr. Bill Hitchcock questioned whether there was public money involved in development of this project and the economic impact the development would have on the community with regard to property values. Mr. Hitchcock

asked if an economic review was part of an environmental impact review and the economic impact of subsidizing the subdivision. Mr. Hitchcock asked the Planning Board to explain the economics as far as what the houses will sell for and what the appraised prices will be. Mr. Hitchcock said that an understanding of the impact to the tax structure is necessary if a house is sold for one amount and assessed at another amount. Mr. Hitchcock stated that he thought that the land was going to be so expensive to develop as subdivisions. Mr. Hitchcock expressed his concern that subsidized housing could artificially lower the cost of the land. Mr. Hitchcock stated that he is not opposed to affordable housing, but that the location being more than ten miles from Brunswick may not be the best choice. Mr. Hitchcock stated that he thought cluster housing would never happen because the land is just too expensive adding that the affordable housing in Harpswell could not be sold for what they are worth. That's my two cents.

Ms. Carrier explained that the Planning Board reviews applications in accordance with the Town of Harpswell Ordinances. Ms. Carrier informed the members of the public present that the Planning Board examines the impacts to the recycling center, the roads, the fire departments, natural resources on the site, and to the schools. Ms. Carrier stated that it is beyond the scope of the Planning Board to review economic impact, what the houses sell for, or the assessed value of the structures.

Mr. John Moore stated that he did not understand why at the previous meeting there was quite a bit of discussion regarding the selling price of the housing and not necessarily the ordinance requirements. Mr. Moore asked to what degree the housing would be affordable. Mr. Moore strongly recommended that the Planning Board review the recording of the February Planning Board meeting. Mr. Moore asked if there were any details that the Planning Board has that it is not willing to share with the public.

Ms. Carrier stated that at the previous meeting there were a large number of citizens present who were interested in finding out about this proposal. Ms. Carrier said that the Planning Board recognized the importance of the proposal to the Town of Harpswell and the meeting was opened up beyond the scope of the Planning Board's deliberations. Ms. Carrier explained that discussion held at the February meeting were not necessarily a part of the Planning Board's decision making process. Ms. Carrier emphasized that there is nothing secretive about the Planning Board.

Mr. Cichon stated that the Planning Board approaches every project that comes before it with complete blindness to the economic impacts to the Town of Harpswell. Mr. Cichon informed the members of the public that the Planning Board has never done an evaluation of whether the tax benefit to the Town was going to equal the cost to the Town. Mr. Cichon said that the question in the end is does the application meet the State regulations and the Ordinance of the Town of Harpswell. Mr. Cichon said that whether or not an individual house is going to be a burden on the Town of Harpswell because they have three or four children as opposed to no children is not ever a decision that the Planning Board makes.

Mr. William Van Twisk, Brunswick resident, asked to be able to speak with regard to the assessment issue.

The Planning Board discussed the advisability of allowing further discussion with regard to economic value.

Ms. Floccher stated that Planning Board is charged with reviewing the proposal's conformity to the Town of Harpswell Ordinances and the Planning Board needs to address those criteria. Ms. Floccher added that the Planning Board's addresses those issues that are germane to what the Planning Board has jurisdiction over.

Ms. Carrier informed Mr. Van Twisk that the Planning Board declined to allow him to speak.

Mr. Bill Clemons asked if the conclusions reached at the site visit would be discussed and would those conclusions be open for public comment. Mr. Clemons stated that he represents the people who live on Shore Acres Road who are not in favor of this proposal. Mr. Clemons expressed his concern with storm water runoff into Hinckley Cove explaining that he operates a commercial fishing business out of there with his sons and they keep thousands of pounds of lobsters there. Mr. Clemons stated that when it rains for two or three days they can not keep lobsters there as it is now and with the additional runoff they will not be able to keep lobsters there at all because of additional pollutants.

Ms. Carrier informed Mr. Clemons that no decisions are made by the Planning Board at the site visits that all decisions are made at the public meetings held at the Town of Harpswell offices. Ms. Carrier stated that the site visits were to gather information only.

Mr. Brooks stated that the Planning Board is very careful to not engage in any deliberations at the site visits.

Ms. Sally Carrigan stated that the discussion has been about things that are not applicable to the Planning Board deliberations. Ms. Carrigan pointed to the various housing studies and the need for affordable or workforce housing. Ms. Carrigan stated that many teachers and other workers can not afford to live in Harpswell. Ms. Carrigan expressed her belief that if more work force housing is developed that it will only strengthen the Town of Harpswell. Ms. Carrigan stated that if a person had a problem with people having affordable housing or work force housing a Planning Board meeting is not the appropriate venue in which to discuss it. Ms. Carrigan pointed out that these structures would not be tenement or barracks but lovely homes made available to good citizens who want to live in Harpswell. Ms. Carrigan stated that she is in support of this project as long as it meets the Town of Harpswell's ordinances.

Ms. Paula Conley, representing the Town Affordable Housing Committee, the Non-Profit Harpswell Community Trust, as her church's representative to Habitat for Humanity, a concerned citizen and long time proponent of affordable housing stated that she supports this applicant and asked that the Town of Harpswell and citizens of Harpswell to support it as well. Ms. Conley stated that the woman who owns this property wants affordable housing in memory of her mother is making it possible financially. Ms. Conley stated that this project will help the Town of Harpswell to keep its diversity and hopefully add children to the school whose enrollment is dropping.

Mr. Dan Boland, Affordable Housing Committee and Harpswell Housing Trust, praised the individual philanthropy that is leading to this proposal. Mr. Boland expressed his hopes that this project would keep Harpswell citizens in Harpswell.

Ms. Anne Bailey Benequist, property owner, stated that wants to be sure the proposal is environmentally sound. Ms. Benequist stated that she has seen the change in the community over the years. Ms. Benequist added that she sees more and more wealthy retirees from other places and few and fewer working people that live here. Ms. Benequist stated that she would really like to keep the people who are working here now and bring in more people that have to live in Topsham and commute to Harpswell. Ms. Benequist stated that she didn't want to sell for a low price to a person who would just turn around and sell it for a high price adding that the Brunswick Housing Authority can do this. Ms. Benequist stated that she really wants to see this happen but would also really like to be friends with her neighbors and if there is anything that is environmentally unsound about the proposal she doesn't want it to happen.

There being no further comments from members of the public present, Ms. Carrier, Chair, closed the public portion of the meeting.

The Planning Board reviewed the criteria of § 9 of the Subdivision Ordinance with special attention to the following:

§ 9.2 Municipal Services

The Planning Board discussed the suggestions from the Road Commissioner, comments from the Fire Chief stating that the Kalm Harbour dry hydrant was close enough to the proposed subdivision to be sufficient, solid waste disposal, impact to the schools, and the timeline for construction.

§ 9.3 Preservation of the Landscape

The Planning Board discussed how to protect natural growth and wooded buffers. Mr. John Hodge stated that the deeds and the covenants spell out the restrictions and that the Code Enforcement Office and the Town of Harpswell can enforce these covenants and restrictions.

§ 9.6.2

Mr. Cichon expressed his concern regarding the ability of the individual home owners to maintain and repair the septic systems and wells that they share with their abutters. Mr. Hodge stated that all wells and all septic systems will be the responsibility of the Association so if one septic system fails all the homeowners will share in the burden of repairing that.

§ 9.6.3 The Planning Board discussed the test pits and the septic designs.

Mr. Cichon stated for the record that the Town of Harpswell should have a local plumbing code that is more reflective of the conditions in Town. Mr. Cichon explained that the Planning Board comes up against this issue every time, that the Board would like more information and that he personally would like to see more test pits. Mr. Cichon stated that the septic impact down grade needs to be put into context pointing to the storm water study. If the concern that the cove is going to be effected by the storm water runoff, it is being effected by the people who are already living in the area now. I have faith that the newer designs installed under the right supervision and properly maintained will probably work at least as well if not better than the systems that already out there.

§ 9.8 The Planning Board discussed the size of the clearing through lot seven for the utility line and width of the shared driveways. Mr. Johnson pointed out that the line for the utility pole will go down the same clearing line used for the driveway.

§ 9.10 The Planning Board discussed the permitting requirements for obtaining driveway permits, the combined driveways, and comments from Woodlot Alternatives.

§ 9.12 The Planning Board discussed the review by Woodard & Curran and the changes presented tonight.

§ 9.14 The Planning Board discussed the letter from the Maine Historic Preservation Commission.

§ 9.15 The Planning Board discussed the curb cuts, permits, capital improvements to Shore Acres Road, and visibility.

§ 10 The Planning Board discussed the performance guarantee.

Ms. Rogers moved, seconded by Mr. Brooks to find that the application meets the requirements of § 9.4, 9.5, 9.6, 9.9, 9.11, 9.13, and 9.16. Unanimous Approval

Ms. Rogers moved, seconded by Mr. Brooks that the Planning Board approves § 9 of the Town of Harpswell Subdivision Ordinance with the following conditions:

§ 9.2 Municipal Services

That if Benequist Way is completed after the capital improvement work on Shore Acres Road is completed by the Town of Harpswell then the applicant will be responsible for any repair to Shore Acres Road;

§ 9.6.1 Lot Markers

That all pins will be set prior to the issuance of the building permits in accordance with note twelve on the site plan.

§ 9.8 Utilities

That note six on the site plan will be amended to read that the clearing will be the minimum required by the utility companies;

§ 9.12 Stormwater Management

That the Woodard & Curran review will be explicit in its findings that it meets applicable ordinance requirements and meets good engineering practices;

§ 9.16 Homeowners/Landowners Association

Stormwater maintenance schedule to be included as part of the covenants and restrictions.

§ 10 Performance Guarantee

That in accordance with note thirteen on the site plan that prior to the commencement of any construction the applicant shall provide the Town of Harpswell with a performance guarantee equal to 125 percent of the cost of the installation of the road, the storm water management devices and the erosion and sedimentation controls and that the performance guarantee or any replace performance guarantee shall be subject to the prior approval of the Town Attorney.

Unanimous Approval

NEW BUSINESS

No new business.

OTHER BUSINESS

Consideration of Planning Board exercise of jurisdiction over applications(s) pursuant to Site Plan Review Ordinance § 16.4 and/or Shoreland Zoning Ordinance § 10.3.2.3.

ITEM 1

Harold Hallock, Tax Map 38-112, 28 Little Crow Point Road, Harpswell

Ms. Thibault described the changes to the proposal to replace the privy and cottage with a new cottage.

The Planning Board was polled and unanimously agreed to remand jurisdiction to the Code Enforcement Office.

ITEM 2

Fred Young, Tax Map 16-210, 77 Eider Lane, Harpswell.

Ms. Thibault described the proposal to relocate the shed.

The Planning Board was polled and unanimously agreed to remand jurisdiction to the Code Enforcement Office.

ITEM 3

William S French Jr., Tax Map 50-5, 130 Harpswell Islands Road, Harpswell.

Ms. Thibault described the proposal to relocate the shed.

The Planning Board was polled and unanimously agreed to remand jurisdiction to the Code Enforcement Office.

Planners Updates

The Planning Board discussed scheduling for the December meeting and unanimously agreed to reschedule the meeting to December 12, 2007 with the site walk to be held on December 10, 2007, with a workshop to be held immediately after the public hearing.

There being no further business before the board Ms. Rogers moved, seconded by Mr. Brooks to adjourn.

Meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant